REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 22, 2005 (the "Office Action"). At the time of the Office Action, Claims 1-25 were pending in the Application. In the Office Action, the Examiner rejects Claims 1-4, 10, and 14-25; and objects to Claims 5-9 and 11-13. Applicants amend Claims 1, 10, 14, and 25. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 5-9, 11-13, and 23 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, as discussed below, Applicants believe that independent Claims 1, 10, and 21 (from which Claims 5-9, 11-13, and 23 depend, respectively) are also allowable. Therefore, Applicants have not amended Claims 5-9, 11-13, and 23.

Objection to the Specification

The Examiner objects to the Specification because the continuation information on Page 1 should list the priority application as abandoned. Applicants have amended the paragraph on Page 1. Accordingly, Applicants respectfully request that the objection to the Specification be withdrawn.

Section 102 Rejections

The Examiner rejects Claims 1-3, 10, 14, 19, and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,014,367 issued to Joffe ("*Joffe*"). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claim 1, of the present Application, recites:

> A network element for a telecommunications network, comprising:
> a port for connection to a transmission line of a telecommunications network;
> a plurality of transmission line interfaces, the transmission line interfaces each including a scheduler to transmit traffic in port transmission slots allocated to the transmission line interface;
> a storage medium; and
> an interface controller stored in the storage medium, the interface controller operable to selectively couple transmission line interfaces to the port and to allocate a disparate portion of port transmission slots to each of the transmission line interfaces coupled to the port based on hierarchical levels assigned to each port transmission slot.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*). Whether considered alone or in combination with any other cited references, *Joffe* does not disclose, either expressly or inherently, each and every element of the claims.

For example, although *Joffe* discloses an ATM cell scheduler, there is no disclosure in *Joffe* of "a plurality of transmission line interfaces . . . each including a scheduler to transmit traffic . . . allocated to the transmission line interface," as recited in Claim 1. With respect to Applicants' "plurality of transmission line interfaces," the Examiner relies upon Figure 11 and the portion of the reference corresponding with Column 4, lines 58-62. (Office Action, page 2). However, these portions of *Joffe* merely illustrate and disclose that a first "scheduler 130 is used to provide the appropriate bandwidth to several VPs" and a second "scheduler 132 is used to provide appropriate bandwidth to the VCs in one of the VPs." (Column 4, lines 58-62). Thus, it seems from Figure 11 and the corresponding description, that scheduler 132 schedules VCs corresponding with one of the VPs serviced by scheduler 130. As a result, it is not clear to Applicants how Figure 11 and the corresponding description can be

said to disclose, teach, or suggest "a plurality of transmission line interfaces . . . each including a scheduler to transmit traffic . . . allocated to the transmission line interface," as recited in Claim 1. Furthermore, although *Joffe* also described that "multiple schedulers may be used in parallel to implement particular arbitration/priority schemes," an example for such a configuration includes when "one might want to assign to a virtual channel a minimum guaranteed bandwidth, but at the same time limit the maximum bandwidth that can be taken by each VC at a particular time." (Column 4, lines 28-33). Thus, again, *Joffe* merely describes the cumulative use of schedulers on a VC. Accordingly, this configuration of the ATM scheduling scheme of *Joffe* also does not disclose, teach, or suggest "a plurality of transmission line interfaces . . . each including a scheduler to transmit traffic . . . allocated to the transmission line interface," as recited in Claim 1.

As another example, *Joffe* does not disclose, teach, or suggest "the interface controller operable to selectively couple transmission line interfaces to the port and to allocate a disparate portion of port transmission slots to each of the transmission line interfaces coupled to the port based on hierarchical levels assigned to each port transmission slot," as recited in Claim 1. Even if Figure 11 illustrates port transmission slots, as proposed by the Examiner (and which Applicants do not admit since so little can be gleaned from the reference about Figure 11), there is no disclosure in *Joffe* of selectively coupling the VPs and VCs of Figure 11 "based on hierarchical levels assigned to each port transmission slot," as recited in Claim 1. With respect to the scheduling of ATM cells, *Joffe* merely discloses that "[e]ach VC 24 has a weight, which is used to determine the portion of the available bandwidth assigned to that VC." (Column 2, lines 17-19). "In addition, a scaling co-efficient 5 is defined equal to the maximum weight divided by the maximum burst allowed." (Column 2, lines 19-21). "The scaling co-efficient is used to regulate the duration of individual bursts independent from the weight of the VCs." (Column 2, lines 21-23). Thus, the objective of the scheduler of *Joffe* is merely to "[spread] out the burst of each VC to achieve the speeds required for fast ATM scheduling, significantly improving network performance." (Column 1, lines 39-44). *Joffe* does not disclose, however, "the interface controller operable to selectively couple transmission line interfaces to the port and to allocate a disparate portion of port transmission slots to each of the transmission line interfaces coupled to the port based on hierarchical levels assigned to each port transmission slot," as recited in Claim 1.

Independent Claims 10, 14, and 21 recite certain features that are analogous to those discussed above. For example, Claim 10 recites "a plurality of transmission line interfaces . . . each including a scheduler to transmit traffic in port transmission slots allocated to the transmission line interface." Claim 10 also recites "an interface controller stored . . . operable to selectively couple transmission line interfaces to the port and to allocate a disparate portion of port transmission slots to each of the transmission line interfaces coupled to the port based on hierarchical levels assigned to each port transmission slot." As another example, Claim 14 recites "using each of the schedulers to transmit, in a portion of port transmission slots allocated to the scheduler, traffic designating a virtual tunnel defined by the portion of port transmission slots based on hierarchical levels assigned to each port transmission slot." As still another example, Claim 21 recites "allocating the hierarchical set of port transmission slots to one of a plurality of transmission line interfaces, each transmission line interface having a corresponding scheduler coupled thereto" and "using the scheduler of the one of the plurality of transmission line interfaces to transmit the specified traffic in the hierarchical set of port transmission slots." Accordingly, for reasons similar to those discussed above, Applicants respectfully submit that *Joffe* does not disclose, teach, or suggest each and every limitation of Applicants' Claims 10, 14, and 21.

Additionally, Applicants respectfully submit that the Examiner has not indicated where *Joffe* discloses "receiving a request to transmit specified traffic in a virtual tunnel having a bandwidth" or "identifying an hierarchical set of port transmission slots providing at least the bandwidth," as recited in Claim 21. As a result, the Examiner's rejection of Claim 21 provides Applicants with no understanding of the Examiner's rationale for applying the disclosure of *Joffe* to render the above-recited features and operations anticipated. By summarily rejecting Claim 21 with Claims 1, 10, and 14, Applicants respectfully submit that the Examiner is not giving credence to each element of Claim 21. The M.P.E.P. provides that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Because the Examiner has not shown where *Joffe* discloses, teaches, or suggests "receiving a request to transmit specified traffic in a virtual tunnel having a bandwidth" or "identifying an hierarchical set of port transmission slots providing at least the

bandwidth," Applicants submit that at least the rejection of Claim 21 is improper and should be withdrawn.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1, 10, 14, and 21, together with the claims that depend from Claims 1, 10, 14, and 21.

Section 103 Rejections

The Examiner rejects Claims 4, 15-18, 20, 22, and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Joffe* with U.S. Patent No. 6,633,561 issued to Christie ("*Christie*") and U.S. Patent No. 5,850,399 issued to Ganmukhi et al. ("*Ganmukhi*"). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 4 is dependent from Claim 1 and incorporates the limitations thereof. Claims 15-18 and 20 are dependent from Claim 14 and incorporate the limitations thereof. Claims 22 and 24-25 are dependent from Claim 21 and incorporate the limitations thereof. Because Applicants have shown Claims 1, 10, 14, and 21 to be allowable above, Applicants have not provided detailed arguments with respect to Claims 4, 15-18, 20, 22, and 24-25. However, Applicants remain ready to do so if it becomes appropriate. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 4, 15-18, 20, 22, and 24-25.

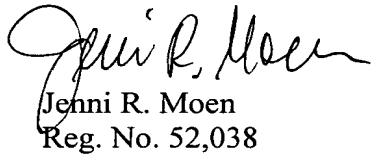
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Date: October 25, 2005

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